

IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO

FILED BY CLERK

JUNE 28 2007

COURT OF APPEALS
DIVISION TWO

THE STATE OF ARIZONA,)	
)	
Appellee,)	2 CA-CR 2007-0026
)	2 CA-CR 2007-0027
v.)	(Consolidated)
)	DEPARTMENT A
JANELLE SHAELENE FRYER,)	
)	<u>DECISION ORDER</u>
Appellant.)	
_____)	

APPEALS FROM THE SUPERIOR COURT OF GILA COUNTY

Cause Nos. CR20050219 and CR20050293

Honorable Robert Duber II, Judge

APPEALS DISMISSED

Emily Danies

Tucson
Attorney for Appellant

H O W A R D, Presiding Judge.

¶1 Pursuant to a plea agreement spanning two causes, appellant Janelle Shaelene Fryer pled guilty to aggravated assault, a class six, undesignated felony, and criminal damage, a class one misdemeanor. The trial court placed her on concurrent, three-year terms of probation in March 2006. Seven months later, the state filed a petition to revoke her probation, alleging Fryer had violated five separate conditions. She admitted one of the allegations at a hearing, and the trial court revoked her probation. The court designated her

aggravated assault offense a felony; imposed a presumptive, one-year prison term for that conviction; and sentenced her to 180 days' time served for the misdemeanor.

¶2 Immediately after the court had pronounced sentence, Fryer stated, "Kiss my ass." When the court told Fryer to "[c]ome back here," she replied, "No, that's bull crap." And she repeated that assessment after the trial court stated it would find her in contempt and "put [her] in jail" for her disrespectful statements. The court found Fryer in contempt of court and sentenced her to serve an additional four months in jail following her release from the Department of Corrections, "with no credit for any presentence incarceration."

¶3 Trial counsel filed a notice of appeal "from the judgment of guilt and sentence of four months in jail entered . . . on [the] contempt charge," and appellate counsel has filed a brief in compliance with *Anders v. California*, 386 U.S. 738, 87 S. Ct. 1396 (1967), and *State v. Clark*, 196 Ariz. 530, 2 P.3d 89 (App. 1999). However, we have no jurisdiction to review contempt orders on appeal. "Findings of contempt are non-appealable orders." *State v. Mulligan*, 126 Ariz. 210, 216, 613 P.2d 1266, 1272 (1980). Accordingly, because we lack jurisdiction to review the trial court's order except by way of special action, *see id.* at 217, 613 P.2d at 1273, we dismiss Fryer's appeals.

JOSEPH W. HOWARD, Presiding Judge

Chief Judge Pelander and Judge Vásquez concurring.